

1 Add 2 Cal. Code Regs. section 18746.3 to read:

2 **§ 18746.3. Revolving Door; Local Officials.**

3 (a) The prohibitions of Government Code section 87406.3 apply to a public  
4 official who, on or after July 1, 2006, holds a position as a:

5 (1) Local elected official;

6 (2) Chief administrative officer of a county;

7 (3) City manager, including the chief administrator of a city; or

8 (4) General manager or chief administrator of a special district who holds a  
9 position with a local government agency as defined by Government Code section 82041,  
10 including the general manager or chief administrator of an air pollution control district or  
11 air quality management district.

12 (b) A public official covered by subdivision (a) of this regulation is prohibited  
13 from making any appearance or communication if all of the following apply:

14 (1) The official has {DECISION POINT 1}[Option 1: left his or her local  
15 government office or employment, which means he or she has either permanently left  
16 local government service or is on a leave of absence] [Option 2: ~~his or her local~~  
17 ~~government office or employment, which means he or she has either permanently left~~  
18 ~~local government service or is on a leave of absence~~ permanently left, or is on a leave of  
19 office from, that particular office or employment specified in subdivision (a) of this  
20 regulation].

21 (2) The appearance or communication is made within 12 months after leaving  
22 {DECISION POINT 1}[Option 1: local government] [Option 2: ~~local government~~ that  
23 particular] office or employment.

1           (3) The public official is compensated, or promised compensation, for the  
2 appearance or communication. For purposes of Government Code section 87406.3, a  
3 payment made for necessary travel, meals, and accommodations received directly in  
4 connection with voluntary services is not considered compensation.

5           (4) The appearance or communication is made on behalf of any person as an  
6 agent, attorney, or representative of that person. An appearance or communication made  
7 by a public official to represent his or her personal interests, as defined in 2 Cal. Code  
8 Regs. section 18702.4, subdivision (b)(1), is not prohibited or limited by this section  
9 unless the appearance or communication is made in a quasi-judicial proceeding, as  
10 defined in subsection (b)(5)(C) of this regulation, in which the official participated while  
11 serving as a local government employee or officer.

12           (5) The appearance or communication is made for the purpose of influencing, as  
13 defined in 2 Cal. Code Regs. section 18746.2, any legislative or administrative action, or  
14 any discretionary act involving the issuance, amending, awarding, or revocation of a  
15 permit, license, grant, or contract, or the sale or purchase of goods or property.  
16 Notwithstanding Government Code sections 82002 and 82037, for purposes of  
17 Government Code section 87406.3, the following definitions apply:

18           (A) “Administrative action,” as defined in Government Code section  
19 87406.3(d)(1), means the proposal, drafting, development, consideration, amendment,  
20 enactment, or defeat by any local government agency of any matter, including any rule,  
21 regulation, or other action in any regulatory proceeding including a ratemaking  
22 proceeding, whether quasi-legislative or quasi-judicial. “Administrative action” does not  
23 include any action that is solely ministerial.

1 (B) “Quasi-legislative” means any proceeding involving the adoption of rules of  
2 general applicability, including but not limited to annexations of territory to a city or  
3 district, adoption or amendment of zoning ordinances, adoption of regulations, or  
4 granting of franchises.

5 (C) “Quasi-judicial” means any proceeding that determines the rights of specific  
6 parties, or applies existing laws to specific situations, including but not limited to any  
7 proceedings to issue or revoke licenses, building permits, zoning variances, conditional  
8 use permits, parcel and subdivision maps, or coastal development permits.

9 (D) “Legislative action,” as defined in Government Code section 87406.3(d)(2),  
10 means the drafting, introduction, modification, enactment, defeat, approval, or veto of  
11 any ordinance, amendment, resolution, report, nomination, or other matter by the  
12 legislative body of a local government agency or by any committee or subcommittee  
13 thereof, or by a member or employee of the legislative body of the local government  
14 agency acting in his or her official capacity.

15 (6) The appearance or communication is made before any officer or employee of  
16 any of the following:

17 (A) {DECISION POINT 1} [Option 1: Any local government agency, as  
18 specified in subdivision (a) of this regulation, including any officer or employee of any  
19 committee, subcommittee, or present member of that local government agency, that the  
20 public official worked for or represented during the 12 months before leaving his or her  
21 office or employment.] [Option 2: ~~Any~~ The particular local government agency,  
22 including any officer or employee of any committee, subcommittee, or present member  
23 of that local government agency, that the public official worked for or represented ~~during~~

1 ~~the 12 months before leaving office or employment~~ as specified in subdivision (a) of this  
2 regulation.] An employee loaned to a local government agency is deemed to have  
3 worked for or represented that agency.

4 (B) Any local government agency whose budget, personnel, and other operations  
5 are subject to the direction and control of any agency described in subsection (b)(6)(A) of  
6 this regulation.

7 (c) The prohibitions of Government Code section 87406.3 and this regulation do  
8 not apply to any individual who, at the time of the appearance or communication, was a  
9 board member, officer, or employee of another local government agency or an employee  
10 or representative of a public agency and is appearing or communicating on behalf of that  
11 agency.

12 NOTE: Authority cited: Section 83112, Government Code.

13 Reference: Section 87406.3, Government Code.